

## OFFICIAL MINUTES

Fresno, California

February 25, 2003

The Council of the City of Fresno, California, met in joint session with the Madera County Board of Supervisors at Children's Hospital of Central California, 9300 Valley Children's Place, Conference Room G-150-A, Madera, CA, at the hour of 9:02 a.m. Present were Mayor Autry, Councilmembers Calhoun, Sterling, Castillo, Dages, Duncan, Perea, and Council President Boyajian. Present from the Madera County Board of Supervisors were Supervisors Bigelow, Dominici, Silva, Gilbert, and Chair Moss. Also present were City Attorney Montoy, City Manager Hobbs, City Clerk Klisch, and involved staff.

### PLEDGE OF ALLEGIANCE

Led by Chair Moss.

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### PRESENTATION BY CHILDREN'S HOSPITAL CENTRAL CALIFORNIA

Diana Dooley, Vice President of Children's Hospital Central California (CHCC), welcomed those present, introduced the President/CEO of the hospital, invited members of the Council and Board to tour the facility at their convenience, and concluded.

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### OPENING COMMENTS AND INTRODUCTIONS

Chair Moss introduced members of the Madera County Board of Supervisors and expressed appreciation to Children's Hospital for hosting the meeting. The Supervisors each spoke briefly, with the consensus being supportive of continued communication between the two entities.

Mayor Autry stated the joint meeting was one of the most important meetings due to serious regional issues including jobs and air quality which would require regional solutions, stressed the need for political assistance, noted the politics of exclusion had created much of the confusion, and concluded.

Council President Boyajian introduced the Councilmembers who concurred with the need for the two entities to work together and each briefly addressed areas of concern as well as appreciation for the meeting.

Chair Moss and Supervisor Dominici presented plaques of recognition on behalf of the Madera County Board of Supervisors to newly-elected Councilmembers Dages, Perea, and Sterling

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### PRESENTATION OF GENERAL PLAN

Dave Herb, Planning Director for Madera County, used a power point presentation to review population projections, new growth areas of the County including the Rio Mesa Area, Gunnar Ranch Area, and Gateway Village. He continued, noted the Community College Area is currently outside the sphere, reviewed the Community Plan Areas in Madera County, advised of the potential incorporation of the Oakhurst Community, and briefly addressed the major issues involving ordinance changes, development of new dairy standards, and the update of the County's housing element, and concluded.

Development Director Yovino provided an overview of the City of Fresno's recently adopted General Plan beginning with the history of the ten years required to prepare the current Plan and the need to work with the County of Fresno as well as the City of Clovis. He continued, stated the new plan was a major change as it called for infill development and inward growth as opposed to the prior practice of outward growth, reviewed the new elements including the implementation element and regional cooperation element, adding they were not State mandated. Mr. Yovino stressed the need for the implementation plan, stated there was an item before the Council on the agenda later today regarding implementation of the plan and how that implementation would involve the upcoming budget, reviewed the reason behind the regional cooperation plan, and continued regarding the anticipated population growth in Fresno over the next 20 years. He stressed a major portion of growth focused in Southeast Fresno area and reviewed how this was different from the past practice, noted the importance and direction of Mayor Autry in the final development of the General Plan as it relates to goals, and stressed prior to expanding beyond boundaries, those goals must be met. He concluded with a brief explanation regarding the nine Community Plans.

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## **COMMENTS AND DISCUSSION BY SUPERVISORS AND COUNCILMEMBERS CONCERNING:**

### **AIR POLLUTION**

Chair Moss introduced the issue of air quality and Supervisory Dominici advised **(2 - 0)** he currently was Chair of the Air Pollution Control Board, stressed the need for multi-jurisdictional cooperation for a solution and the need for involvement at State and local levels as well as the need for Federal aid, stated more than the agricultural community were involved in the air pollution issue, adding the agriculture community had long been environmentalists, and briefly elaborated. Councilmember Castillo reminded those present of the recent ballot measure regarding the transportation tax which had failed, stated Fresno City working with the County of Madera would send a positive message, suggested formulating a regional Measure C proposal, and suggested formation of task forces to address issues under consideration at this meeting. Council President Boyajian noted Council action regarding the purchase of CNG vehicles, and suggested the need to generate interest in mass transit and regional transportation.

Councilmember Duncan advised of a market feasibility study conducted in Northeast Fresno regarding transportation issues similar to a park-and-ride, and Supervisor Gilbert concurred with the need to address regional transportation issues and the East-West corridor, adding input from Caltrans and the City of Madera was required as well. General discussion ensued regarding the need to lower the requirement for passage of a tax measure from the current 66 percent to a simple majority.

Councilmember Sterling stressed the need for job creation, the need to complete development of the Roeding Business Park Area, and the need to encourage those eligible to vote, with response by Supervisor Silva. Councilmember Duncan noted the need to have an Air Pollution Control position as an expert on staff who can meet with other communities, suggested establishing a permanent Air Quality Committee, stated a formal committee was necessary to address the issue on an on-going basis as well as the serious aspect of the issue. Discussion continued regarding major pollution sources. Mayor Autry advised of issues which had been obstructed at the State level, stressed the need to plan, advised of a Mayors' Conference set to address air quality issues and of an air quality coalition recently established to address similar issues, continued with a review of the recent introduction of State bills by Dean Flores, noted the bills were flawed, stressed the issue would be taken to Washington, D.C., adding he would be requesting that the San Joaquin Valley be declared an Air Quality Empowerment Zone, with tax credits to those who ride mass transit, and elaborated.

Chair Moss suggested establishment of a joint committee consisting of two members each from the City Council and the Madera County Board of Supervisors, with Councilmember Sterling and Supervisor Silva expressing interest in serving on the committee. Councilmember Calhoun reviewed the recently adopted fireplace ordinance, stated without regional cooperation the ordinance would not be effective, and requested Fresno City Council be advised of the positive efforts being taken by Madera County in order to continue those efforts in Fresno. Councilmember Perea suggested adoption of a joint resolution in support of one of the bills proposed by Mr. Flores regarding fireplaces, and Chair Moss felt staff should be encouraged to work together and bring recommendations to the joint committee members.

#### **RECESS - 10:32 A.M. - 10:52 A.M.**

Chair Moss stated there had been consensus to appoint a committee, adding he would invite the County Administrative Manager and the City Manager or their designees to be on the committee, and suggested a joint meeting between the two agencies be set again in three months. With Board and Council consensus, Tuesday, June 3, 2003, 8:30 a.m. set for the next joint meeting, to be held in the City of Fresno at a location to be determined.

#### **WATER**

Dennis Prospare, Chair of the Madera/Merced Water District, addressed issues regarding water quantity, advised of the establishment of a water task force **(3 - 0)** stated there were issues to be covered, there was a need to balance economics with the environment, advised of the input by State legislators at the monthly meetings, advised of the need to restore the San Joaquin River and of the need to find more water, and concluded.

Public Utilities Director McIntyre concurred regarding water over-draft, noted the lack of available ground water, stated the challenge for Fresno was retention of the Central Valley water supply contract, advised of a task force established to assure renewal of the contract, and concluded.

Councilmember Duncan advised of the need to fight for water rights and questioned how he could support that as a Councilmember. Mayor Autry concurred with the need to fight, adding the issue must evolve into political consequences. Supervisor Bigelow noted the need for jobs should be added to the agenda for discussion, advised of the perception elsewhere that there is no need for agriculture in California, expressed concern for environmentalists and lobbyists stressing the fact that agriculture needs are produced by other countries, citing the use of foreign-grown cotton vs. cotton grown in the United States, and stressed it would be impossible to survive if the community was not prosperous.

#### **CLOSING REMARKS**

Councilmember Calhoun stated the reality was areas compete against each other for tax dollars, advised of the need for intergovernmental communication, suggested communicating with the State of California regarding intra-county/government cooperation, and request funding based upon regional cooperation. Supervisor Gilbert spoke in support of the opportunity to look at big picture needs such as air quality, water, transportation and jobs, noting all were interrelated, stated it was up to the leaders to forge understanding and agreements, and concluded. Councilmember Sterling concurred, adding she looked forward to working with the Board. Councilmember Castillo spoke in support of establishing committees to address special issues. Councilmember Duncan advised he was pleased with the discussions.

Supervisor Bigelow thanked CHCC for the venue, spoke in support of opening lines of communication between both counties and involved cities, advised of the need to look at issues in a big picture way, briefly reviewed specifics regarding Madera land use, cited the potential impact to Madera County as a result of 15 endangered species, advised private enterprise had been relegated to the bottom of the list, and explained.

Councilmember Dages concurred with the importance of water to the region adding he felt the two agencies were going to work well together. Supervisor Dominici concurred with Councilmember Dages, advised of the ability to meet with the City of Madera and the County of Fresno, and now the City of Fresno, noted there had been "Nay-sayers" in advance of each meeting who had been proven wrong, and stressed the need to move forward. Council President Boyajian concurred with the need to look at what is good for the region, stressed all issues addressed were important and there was a need to look for other ways to raise revenue, concurred with the need to commence work, and concluded.

Mayor Autry suggested the Development Directors of the two entities meet as the General Plans were direct opposites in their development plans, noted there was the potential for conflict, stressed the need for the State to stop taking local funds and the need to elevate the importance of local food production to the national level. He continued and stated if farming went down the entire area would go down, and elaborated on the potential to taint fruit and vegetables grown outside the country.

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#### **PUBLIC COMMENT**

Barbara Hunt, 247 S. Walnut, Fresno, stated she felt the joint meeting was not legal, cited reasons, and elaborated. Rebecca Arellano, representing George Radanovich, stated staff was available to aid in appropriation requests. Gloria Torrez, Fresno, advised of the need for better public transportation, addressed the issue of auto pollution and the issue of clean air diesel, and expressed concern regarding the retention of the requirement for a two-third majority vote to pass a tax measure on the ballot.

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**RECESS - 11:45 A.M. - 2:00 P.M.** Council reconvened in Regular Session in the Council Chambers, City Hall.

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**(2:00 P.M.)** Regular meeting of the City Council, Council Chambers, City Hall.

Present:	Brian Calhoun	Councilmember
	Brad Castillo	Acting Council President
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember
	Tom Boyajian	Council President

Dan Hobbs, City Manager  
Hilda Cantu Montoy, City Attorney  
Becky Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

Senior Pastor Jeffrey Frymire, First Church of God, gave the invocation, and Councilmember Sterling led the Pledge of Allegiance to the Flag.

PROCLAMATION OF OSCAR SPANO DAY - COUNCILMEMBER CALHOUN

PROCLAMATION OF ROGUE PERFORMANCE FESTIVAL- PRESIDENT BOYAJIAN

PROCLAMATION OF POLICE ACTIVITIES LEAGUE DAY - MAYOR AND COUNCIL

The above proclamations were read and presented.

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APPROVE MINUTES OF FEBRUARY 18, 2003

On motion of Acting President Castillo, seconded by Councilmember Dages, duly carried, RESOLVED, the minutes of February 18, 2003, approved as submitted.

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#### **APPROVE AGENDA:**

**(3-B)** DIRECTION REGARDING PREVIOUSLY TABLED MATTER: "REQUEST CITY MANAGER TO DIRECT STAFF TO INITIATE INQUIRIES TO OTHER FIRMS REGARDING RED LIGHT CAMERA OPERATION" (ORIGINALLY DISCUSSED ON 7/23/02 AND LAID OVER TO 2/25/03)

Laid over to March 18, 2003, at the direction of Acting President Castillo.

**(5-A)** RESOLUTION - REQUESTING GOVERNOR DAVIS VETO BILLS ABX1 12 AND SBX1 15 PASSED BY THE STATE LEGISLATURE WHICH WILL ALLOW VIOLENT FELONS EARLY RELEASE FROM PRISON IN ORDER TO EASE CALIFORNIA'S BUDGET - COUNCILMEMBER PEREA

Laid over one week by Councilmember Perea who advised he was rescheduling the item for the benefit of community groups who wanted to speak to the issue.

On motion of Acting President Castillo, seconded by Councilmember Sterling, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian

Noes : None  
Absent : None

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**ADOPT CONSENT CALENDAR:**

**(1-A) RESOLUTION NO. 2003-47** - CONTINUING RESOLUTION NOS. 2003-20 AND 2003-41 PROCLAIMING A LOCAL EMERGENCY RELATING TO THE FIRE BURNING AT ARCHIE CRIPPEN EXCAVATION IN THE VICINITY OF MARKS AND NEILSEN AVENUES

Assistant City Manager Souza clarified the introductory paragraph in the background section of the staff report should have been deleted as the fire had been extinguished. Correction noted.

**(1-G)** APPROVE REAPPOINTMENTS OF SUSAN WILLIAMS AND KAREN MUSSON TO THE ROOSEVELT IMPLEMENTATION COMMITTEE, AND THE APPOINTMENT OF BILLIE MACDOUGALL TO THE COMMISSION ON THE STATUS OF WOMEN - COUNCILMEMBER DAGES

**(1-H) RESOLUTION NO. 2003-45** - SUPPORTING THE CITIZEN CORPS - COMMUNITY EMERGENCY RESPONSE TEAMS (CERTS) AND ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$27,044

**(1-J)** APPROVE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE FRESNO UNIFIED SCHOOL DISTRICT AND THE CITY OF FRESNO PARKS, RECREATION AND COMMUNITY SERVICES DEPARTMENT FOR THE HANDLING OF THE MOBILE SCIENCE WORKSHOP

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian  
Noes : None  
Absent : None

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The City Council recessed at 2:23 p.m. and convened in joint session with the Redevelopment Agency.

**(2:00 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

APPROVE AGENCY MINUTES OF FEBRUARY 11, 2003

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the Agency minutes of February 11, 2003, approved as submitted.

**(A) CONSIDER ACTIONS RELATING TO THE APPROVAL AND ADOPTION OF THE PROPOSED FREEWAY 99 - GOLDEN STATE BOULEVARD CORRIDOR**

**1. AGENCY RESOLUTION NO. 1618** - APPROVING AND DIRECTING THAT THE PROPOSED REDEVELOPMENT PLAN FOR THE FREEWAY 99 - GOLDEN STATE BOULEVARD CORRIDOR REDEVELOPMENT PROJECT AREA BE SUBMITTED TO THE PLANNING COMMISSION AND INTERESTED PARTIES

**2. JOINT COUNCIL/AGENCY RESOLUTION NO. 2003-46/1619** - DETERMINING THAT A PROJECT AREA COMMITTEE (PAC) NEED NOT BE FORMED FOR THE FREEWAY 99 - GOLDEN STATE BOULEVARD CORRIDOR REDEVELOPMENT PROJECT

**3. AGENCY RESOLUTION NO. 1620** - AUTHORIZING THE AGENCY TO TRANSMIT THE PROPOSED REDEVELOPMENT PLAN AND THE PRELIMINARY REPORT TO AFFECTED TAXING ENTITIES

Upon question of Acting President Castillo, Agency Director Fitzpatrick clarified action taken this date would *initiate* the process -- not approve/adopt the Plan, and reviewed the issue as contained in the staff report as submitted.

concerns with the redevelopment agency.

Councilmember Calhoun spoke in support of the issue, how the project area cut into three council districts (1, 2 and 3), to the serious blighted areas and problems in his district, and to the need/importance of the corridor to attract good businesses and jobs, and made a motion to approve staff's recommendation, which motion was seconded and later acted upon.

Discussion ensued with Mr. Fitzpatrick and City Attorney Montoy clarifying issues and/or responding to questions/comments of Councilmember Perea, Acting President Castillo and Councilmember Sterling relative to the anticipated \$91 million at the end of 30 years, when appreciable funds could expect to be seen, process timeline, if it would be 2-3 years before tax increment would be seen, insuring no funds from other redevelopment areas will be funneled into this project, who the taxing entities were, if the three affected district council members would have input, Acting President Castillo advising he did not have a say so when the City and RDA agreed to the Gap ponding basin and explained, need for Council to be aware of what promises are made to any of the taxing entities, if this would be a 30 year plan, why a community committee or representatives from each council district would not be wanted, Councilmember Sterling stating she did not feel it was necessary to establish another committee but she was in support of full representation from each participating area, Acting President Castillo stressing the importance of community involvement and advising he was thinking more of an advisory oversight committee, if there would be any drawbacks to having no committee, and Mr. Fitzpatrick stating an advisory committee to help guide the process along would be acceptable. Upon question of Acting President Castillo, Councilmember Calhoun stated he would not add an advisory committee to his motion as he did not see the necessity emphasizing there was already sufficient input from the other established committees representing the area. Acting President Castillo noted present members would be gone in 6-8 years and the issue would be handed off to someone else, stated Council should not be afraid of having committees for oversight, and advised without adding a committee to the motion he would not vote in support.

President Boyajian spoke in support of the issue, to the perception of the Freeway 99 area by drivers passing through, to the Gap issue and how Council was never told anything about the ponding basin issue by staff, and **(2 - 0)** to the need to move forward on this issue. Mr. Fitzpatrick responded briefly to questions of Councilmember Sterling relative to what type of review would be coming back to Council and what the established committees would be reviewing.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution Nos. 1618, 2003-46/1619 and 1620 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Perea, Sterling, Duncan
Noes	:	Castillo
Absent	:	None

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The joint bodies adjourned their meeting at 2:53 p.m. and the City Council reconvened in regular session.

#### **(2:30 P.M.) INITIATE REVIEW AND CONSIDERATION OF THE 2025 FRESNO GENERAL PLAN IMPLEMENTATION PROGRAM**

Mayor Autry and Planning and Development Director Yovino spoke to the "historic" general plan that was adopted, requirements, and the importance of implementing the plan, and reviewed various elements of the plan and implementation strategies at length, all as contained in the staff report as submitted, with Mr. Yovino responding to questions of President Boyajian relative to the study being proposed on the cost to implement the plan.

Speaking to the issue were: Mary Savala, League of Women Voters, who presented questions relative to the Major Investment Study (MIS) and how it was related to the study being promoted by COG, and specifics of the construction forecast projects and how they were related to the 17 goals of the general plan; Gloria Torrez, who questioned the funding source, the staff report indicating Fiscal Years 2003, 2004 and 2005 and how action on one item could be taken this date, and opposition to the FAX fueling station; and Barbara Hunt 2475 S. Walnut, who spoke to southeast Fresno boundaries overlapping southwest Fresno's.

Extensive discussion ensued. Mr. Yovino, Transit Manager Rudd and Assistant City Manager Souza responded to

questions, comments, and/or concerns of Councilmembers Duncan, Castillo, Calhoun and Dages relative to the priorities of the capital spending budget and how they related to supporting Vision 2010, concern that only two projects were listed for downtown, need to start seeing funding reallocated for downtown, lack of information on fee incentives/linkage fee concept and need to determine Council support for a linkage fee before spending \$50,000, if there were any plans to create fee incentives for the Roeding Park Business Park, financial impact on implementing the general plan/leftovers from the old general plan/plans to replace revenues, Councilmember Duncan expressing concern with the planning department service level dropping stating it would be a disservice to those that pay the bill if it was due to an effort to save money to be used in other areas, Mr. Yovino stating COG's plan would be coordinated with the City's MIS, Councilmember Calhoun expressing concern with the nexus fee stating he saw this as the Mayor ignoring Council and added it did not lead to good business relations, lack of business parks, failure of Measure C/plans for rail consolidation including mechanism to pay for **(3 - 0)**, clarification on the activity center, reorganizing staff and assignments going to the development department (with Councilmember Calhoun expressing concern with span of control and additional duties affecting delivery of general plan implementation), if any projects listed in the report would be approved this date, concern with the Tulare/First Street signal being redone (waste of funds), and concern/perception that the Save Mart Arena took priority over the Peace Avenue project.

Councilmember Sterling stated she wanted to see that downtown was not forgotten and made a motion to (1) initiate review and consideration of the 2025 Fresno General Plan Implementation Program, and (2) with respect to downtown coordinate with the Redevelopment Agency and develop a capital improvement priority list for review during the upcoming budget. Brief discussion ensued on what staff was requesting this date with City Attorney Montoy and President Boyajian clarifying Mr. Yovino was advising Council of his plan and where he would be going, this was a preliminary review, staff would listen to discussion/Council's comments and report back during budget in greater detail, Council would be determining priority projects in the future, and it was not necessary to make a motion this date.

City Manager Hobbs stated Council would see their various comments reflected in the budget and they would be reviewing the CIP program to determine if it reflected Council's priorities for the city, and relative to the nexus fee stated he felt this was a policy difference issue and not politics, advised the Mayor was looking for growth to more directly pay its way for inner-city revitalization, noted the Mayor has felt very strongly that in the past growth has been artificially and even illegally steered away from the inner city which has hurt inner city districts, and clarified there would be an attempt to pursue a nexus study to see if it is a tool that can help with the inner city revitalization effort.

Mr. Yovino responded to questions/comments of Councilmember Perea relative to park facilities, definition of neighborhood and pocket parks, average cost, if they were included in the general plan, and recommendation to look at San Jose's successful pocket parks efforts.

Councilmembers Duncan and Calhoun requested Mr. Hobbs provide a tray memo documenting specific situations to clarify his comments that growth had been artificially/illegally steered away from the inner city in the past, with Councilmember Calhoun expressing his concern stating that was a serious charge to be made in a public for and added if the Mayor, City Manager or staff was using that as a reason for a nexus study documentation was needed. Mr. Yovino responded briefly to questions of President Boyajian relative to proposed Tower District investments and financing alternatives. Relative to the nexus study President Boyajian praised the Mayor stressing Fresno was a poor city, stressed other ways needed to be found to generate revenues to make Fresno one city, and stated looking at linkage fees was not to harm businesses, and further elaborated on the issue and on his district's critical needs. There was no further discussion.

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**(3:30 #1 P.M.) CONTESTED CONSENT CALENDAR ITEMS:**

**(1-E) RESOLUTION NO. 2003-47 - AUTHORIZING THE ACCEPTANCE OF 2002-2003 EVICT NARCOTICS FROM PUBLIC HOUSING (ENPH) GRANT PROGRAM PASS THROUGH AND ROLL OVER FUNDING FROM THE HOUSING AUTHORITY OF THE CITY AND COUNTY OF FRESNO AND EXECUTION OF PROGRAM DOCUMENTS**

**1. \* RESOLUTION NO. 2003-48 - 69<sup>TH</sup> AMENDMENT TO AAR 2002-216 APPROPRIATING \$36,000 OF ENPH GRANT FUNDS TO THE POLICE DEPARTMENT**



entitled Resolution Nos. 2003-47 and 2003-48 hereby adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

**(1-B) \* RESOLUTION NO. 2003-49 - 68<sup>TH</sup> AMENDMENT TO AAR 2002-216 APPROPRIATING \$375,000 IN INTEREST FROM VARIOUS UGM FUNDS FOR THE PURPOSE OF FUNDING LEGAL COSTS AND EMPLOYEE COSTS**

City Attorney Montoy and Assistant Public Works Director Kirn clarified issues and/or responded to questions of Councilmembers Perea and Dages relative to what lawsuit was at issue, what the funds would pay for, amount in the accumulated interest fund, how determination is made on which funds to take from, and if the lawsuit was the result of the UGM structure. Mr. Hobbs stated the \$375K to defend the City's position needed to be looked at in light of a 25-year old program and almost \$50 million in stakes. Ms. Montoy clarified the litigation was very comprehensive, the \$47 million in accounts did not mean the City could just go out and spend it, and she would provide more information on the lawsuit itself to council individually or in closed session. Upon question of Councilmember Perea, Mr. Hobbs gave a status report on the revamping of the UGM fee system.

Councilmember Duncan stated the City needed to defend its interest and made a motion to approve, which motion was seconded and after upon after additional brief discussion, with Assistant City Manager Souza responding to questions of Acting President Castillo relative to whether this was the first time staff was asking for monies out of these funds for this purpose. Acting President Castillo requested staff respond by tray memo on the amount of interest earnings used for litigation purposes.

Barbara Hunt, 2475 S. Walnut, spoke to the issue. Councilmember Calhoun briefly left the meeting at 4:17 p.m.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2003-49 hereby adopted, by the following vote:

Ayes	:	Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	Calhoun

**(1-C) RESOLUTION NO. 2003-50 - INTENT TO ANNEX FINAL TRACT NO. 5071 TO COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 44, RESCINDING RESOLUTION NO. 2003-37, AND SUPERSEDING RESOLUTION NO 2002-410**

Barbara Hunt, 2475 S. Walnut, spoke in opposition.

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 2003-50 hereby adopted, by the following vote:

Ayes	:	Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	Calhoun

**(1-D) RESOLUTION NO. 2003-51 - AUTHORIZING THE EXECUTION AND DELIVERY OF A HELICOPTER FINANCING AGREEMENT WITH KOCH FINANCIAL CORPORATION REGARDING THE ACQUISITION AND LEASE FINANCING OF A SINGLE ENGINE TURBINE HELICOPTER, AND AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS REQUIRED IN CONNECTION THEREWITH**

Councilmember Dages expressed his concern with the cost stating last week 5 employees were laid off and he would like to see them hired back, and presented questions relative to the helicopter's life span and value after 10 years, with Chief Dyer clarifying the employee issue and responding to questions. Councilmember Calhoun returned to the meeting at 4:22 p.m.

Councilmember Dages stated he still could not support the issue as more officers could be put on the ground for that cost. Upon question of Councilmember Duncan, Chief Dyer stated delivery of the helicopter was expected by the end of June

or July. Councilmember Duncan spoke in support of the issue stating the helicopter program had proven itself by officer and citizen safety and made a motion to approve staff's recommendation, which motion was seconded and acted upon after additional discussion.

Chief Dyer responded to questions of Acting President Castillo and President Boyajian relative to asset/forfeiture funds including it being the fund source **(4 - 0)** and how much was generated yearly, if there was a possibility of paying additional money towards the lease, and what other items forfeiture fees were used for last year. Acting President Castillo stated he also had concerns relative to the employee issue and stated he would like to see a future request that the positions be re-appropriated as CSO's. An unidentified finance department representative responded briefly to questions of President Boyajian relative to lease option and lack of company comparisons.

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 2003-51 hereby adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Duncan, Perea, Sterling, Boyajian
Noes	:	Dages
Absent	:	None

**(1-I) \* RESOLUTION NO. 2003-52 - 70<sup>TH</sup> AMENDMENT TO AAR 2002-216 APPROPRIATING \$850,000 FOR SPECIAL PROJECTS IN THE PUBLIC WORKS DEPARTMENT STREETS DIVISION**

Interim Public Works Director Esquivel responded to questions of Councilmember Perea relative to what the Street Maintenance Revolving Reimbursement Fund (SMRRF) was, where the amount of \$850K in the SMRRF came from, if the funds were already expended, if projects were identified, what was involved in alley improvement projects, and request for a list of areas that have benefitted with services.

Councilmember Duncan commended staff and spoke in support of the program/establishment of the account and the services provided which improved neighborhoods, and made a motion to approve staff's recommendation, which motion was seconded by Councilmember Calhoun who also commended staff. Acting President Castillo requested a consistent fee be established that is charged to residents for services performed on private property, with Mr. Esquivel responding.

Barbara Hunt, 2475 S. Walnut, spoke in opposition.

Mr. Esquivel responded briefly to additional questions of Councilmember Perea relative to whether \$850K would be the yearly amount in the fund, if Redevelopment Agency dollars could only be spent in RDA areas, if a homeowner who wanted their driveway fixed would pay the direct cost, and if funds could be used to repave alleys.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 2003-52 hereby adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

**(1-F) CONSIDER THE PROPOSED COPPER-MAPLE NO. 2 REORGANIZATION CONSISTING OF 68.8 ACRES PROPOSED FOR DETACHMENT FROM THE FRESNO COUNTY FIRE PROTECTION DISTRICT AND ANNEXATION OF THE SAME TERRITORY TO THE CITY OF FRESNO (PROPERTY LOCATED IN DISTRICT 6)**

**1. \* RESOLUTION NO. 2003-53 - APPLYING TO LAFCO IN THE MATTER OF THE PROPOSED COPPER-MAPLE NO. 2 REORGANIZATION**

Barbara Hunt, 2475 S. Walnut, spoke in opposition.

On motion of Councilmember Dages, seconded by Councilmember Calhoun, duly carried, RESOLVED, the finding

of the Mitigated Negative Declaration dated February 26, 2001, for Environmental Assessment No. A-00-21, R-00-42, TT-4903 and the Notice of Conformity to Master Environmental Impact Report No. 10130 dated December 23, 2002, for Rezoning Application No. 02-41 that the reorganization will not have a significant adverse effect upon the environment hereby adopted; and the above entitled Resolution No. 2003-53 adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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**(4:15 P.M.)** HEARING ON PLAN AMENDMENT NO. A-02-06, REZONING APPLICATION O. R-02-12, AND ENVIRONMENTAL FINDINGS, FILED BY JAMES LOGAN ON BEHALF OF SPALDING WATHEN, PROPERTY LOCATED ON THE WEST SIDE OF N. CHESTNUT BETWEEN E. SHEPHERD AND E. COLE AVENUES (DISTRICT 6)

**1. CONSIDER AND ADOPT FINDING OF A MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-02-06, R-02-12, C-02-59**

**2. RESOLUTION NO. 2003-54** - AMENDING THE 2025 FRESNO GENERAL PLAN AND WOODWARD PARK COMMUNITY PLAN

**3. BILL NO. B-15 - ORDINANCE NO. 2003-15** - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM R-1/UGM TO R-2/UGM

President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Councilmember Duncan gave a brief overview of the issue, stated this was a great project and complimented staff, and made a motion to approve staff's recommendation. Planning and Development Director Yovino responded briefly to questions of President Boyajian relative to whether the developer would be contributing financially to the Shepherd/Chestnut and Nees/Chestnut traffic signals and road widening. Councilmember Dages commended Mr. Wathen for his quality work.

Upon call, no one wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for Environmental Assessment No. A-02-06, R-02-12, C-02-59, dated December 27, 2002, hereby approved; the above entitled Resolution No. 2003-54 hereby adopted; and the above entitled Bill No. B-15 adopted as Ordinance No. 2003-15, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea., Sterling, Boyajian
Noes	:	None
Absent	:	None

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**(3-A) REQUEST BY MAYOR AUTRY TO RECONSIDER ACTION TAKEN AMENDING AND ADDING TO THE FRESNO MUNICIPAL CODE RELATING TO ADVERTISED COMPETITIVE BIDDING AND DESIGN-BUILD CONTRACTS**

**1. \* BILL NO. B-70 - ALTERNATIVE "A"** (INTRODUCED 12/17/02) - ADVERTISED COMPETITIVE BIDDING REQUIRED FOR CONTRACTS INVOLVING EXPENDITURES OF CITY MONIES EXCEEDING \$100,000 PURSUANT TO SECTION 3-105 OF THE FRESNO MUNICIPAL CODE)

Upon request for clarification, City Attorney Montoy clarified the Mayor was asking Council to reconsider Alternative "A" establishing a \$100,000 threshold which was not adopted; stated Council considered two alternatives and adopted Alternative "B" with a \$50,000 limit; noted Alternative "B" was vetoed by the Mayor and advised unless Council overrides the veto within 30 days of his veto the ordinance for \$50,000 would not become effective and the \$32,000 threshold would continue to be in effect; and clarified there was no override issue before Council this date.

City Manager Hobbs reiterated the Blue Ribbon Commission's report was accepted by Council and over 60% of the voters approved the \$100,000 limit, and clarified the \$100K limit would still provide for competitive bidding, sealed bids, public bid opening, advertising through posting on the City website, and notices to potential bidders on the bidders' list.

Councilmember Duncan directed staff to schedule on next week's agenda an override of the Mayor's veto of Alternative "B"; clarified although he supported the \$100K threshold he felt vetoing the ordinance was a big mistake due to the design-build contracts provision that was part of it; and made a motion to reconsider/adopt the above entitled Bill No. B-70 (Alternative "A"), which motion was seconded and acted upon after brief discussion.

Councilmember Dages stated he was frustrated with having to go through the issue again when five council members approved the \$50K limit and added the voters said "up to" \$100,000. Upon request, Ms. Montoy, President Boyajian and Councilmember Duncan clarified the motion on the floor and the direction to staff for an override vote next week. Councilmember Perea stated he, too, was concerned with having to go through this again and also with the entire ordinance being vetoed just because one part of it did not pass. Assistant City Manager Souza clarified the Charter did not read "up to" \$100,000 and added the voters were clear on the \$100,000 threshold.

A motion of Councilmember Duncan, seconded by Councilmember Calhoun, to adopt the above entitled Bill No. B-70 requiring advertised competitive bidding for contracts involving expenditures of City monies exceeding \$100,000 pursuant to Fresno Municipal Code Section 3-105 failed, by the following vote:

Ayes	:	Calhoun, Duncan
Noes	:	Castillo, Dages, Perea, Sterling Boyajian
Absent	:	None

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**UNSCHEDULED ORAL COMMUNICATIONS:**

APPEARANCE BY BARBARA HUNT RETARDING INATTENTION/ACTION OF COUNCIL WHEN SHE SPEAKS

Appearance made; no action taken.

APPEARANCE BY MANUEL RODRIGUEZ, 1891 W. OLEANDER, 31-YEAR SOLID WASTE EMPLOYEES, REGARDING PROPOSED PRIVATIZATION OF SOLID WASTE AND OTHER SOLID WASTE ISSUES

Appearance made with Assistant City Manager Souza and City Manager Hobbs responding. No action taken.

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**(3:30 P.M. #2) CLOSED SESSION:**

**(A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAMES:**

1. SOLPAC, INC, SOLTEK PACIFIC V. CITY OF FRESNO, ET AL., MAULDIN DORFMEIER CONSTRUCTION, INC. (REAL PARTY INTEREST
3. LOPEZ, GUADALUPE, ET AL. V. CITY OF FRESNO, ET AL.

**(B) CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATION: AMALGAMATED TRANSIT UNION (ATU) UNIT 06**

The City Council met in closed session in Room 2125 at the hour of 5:20 pm. to consider the above issues and adjourned thereafter.

**(A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAMES:**

2. CITY OF FRESNO V. SHELL OIL, ET AL.
4. CITY OF FRESNO V. GARFIELD PARK HIGHLANDS, ET AL. (CAMBRIDGE HOMES, INC.)

Not held.

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There being no further business to bring before the Council, the hour of 6:30 p.m. having arrived and hearing no objection, President Boyajian declared the meeting adjourned.

**APPROVED** on the \_\_\_\_\_ day of March, 2003.

\_\_\_\_\_  
Tom Boyajian, Council President

ATTEST: \_\_\_\_\_  
Yolanda Salazar, Assistant City Clerk